

Regional Planning Committee



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September 15, 2008

Office of the Secretary
Federal Communications Commission
Mr. Derek Poarch
Chief, Public-Safety and Homeland Security Bureau
445 12th Street, SW
Washington, DC 20554

In the Matter of

FCC Regional Planning Committee (RPC) 55

**Public-Safety Communications Plan for the
769- to 775-MHz and 799- to 805-MHz bands**

) WT Docket No. 02-378
)
) PSHS Docket No. 06-229
)
) FCC Docket No. 07-132

Dear Chief Poarch:

FCC Regional Planning Committee (RPC) 55 has completed its public-safety communications plan for the General Use channels in the 769- to 775-MHz and 799- to 805-MHz frequency bands.

The Regional Plan may be retrieved electronically from the Commission's Electronic Comment Filing System (ECFS) and the Computer Assisted Pre-coordination Resource and Database (CAPRAD).

This Regional Plan is the result of the dedication and perseverance of everyone involved in its development, including our neighboring regions. We believe that this plan best meets the needs and requirements of our public-safety community.

Please contact me with any questions or concerns you may have.

Respectfully submitted,

Steven C. Sharpe, Chairman

FCC RPC 55 700-MHz and 800-MHz NPSPAC Planning Committees

CC: Benfaida, Jeannie
Cohen, Jeff

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Regional Planning Committee



FCC Region 55 – 700-MHz

Public-Safety Communications Plan

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Document Addition and Revision Log

Date of Revision	Revisions	Version
6/7/2006	Initial version – excluding the following sections: March 15, 2006 meeting report; <ul style="list-style-type: none"> • Tribal nation correspondences; • Region 55 Chair's signature; • Adjacent-region approvals and signatures; and • FCC approval. 	1.0
6/20/2006	Version 1.1 – excluding the following sections: <ul style="list-style-type: none"> • March 15, 2006 meeting report; • Tribal nation correspondences; • Region 55 Chair's signature; • Adjacent-region approvals and signatures; and • FCC approval. Version 1.1 Release Notes: <ul style="list-style-type: none"> • Formatting and cross-reference revisions made throughout the document. 	1.1
6/25/2006	Version 1.2 – excluding the following sections: <ul style="list-style-type: none"> • March 15, 2006 meeting report; • Region 55 Chair's signature; • Adjacent-region approvals and signatures; and • FCC approval. Version 1.2 Release Notes: <ul style="list-style-type: none"> • Tribal nation correspondence information included. 	1.2
1/8/2007	Version 1.3 – excluding the following sections: <ul style="list-style-type: none"> • Adjacent-region approvals and signatures; • FCC cover letter; and • FCC approval. Version 1.3 Release Notes: <ul style="list-style-type: none"> • March 15, 2006 meeting report included; • June 20, 2006 Public Notice and meeting report included; • October 18, 2006 Public Notice and meeting report included; • Orphan Channel verbiage included in Sections 5 and 9.5; • Region 55 Chair's signature included; and • Verbiage, formatting, and cross-reference revisions implemented throughout the document. 	1.3

Date of Revision	Revisions	Version
3/19/2007	<p>Version 1.4 – excluding the following sections:</p> <ul style="list-style-type: none"> • Adjacent-region approvals and signatures; • FCC cover letter; and • FCC approval. <p>Version 1.4 Release Notes:</p> <ul style="list-style-type: none"> • Revised the Plan to integrate FCC RPC Region 33 (Ohio) into the adjacent-region concurrence process; • Included an adjacent-region definition in Section 13; • Updated the URL in Section 13; • Included an updated Committee Member Contact List and RPC Meeting Attendance Roster in Appendices A and B, respectively; • Concurrence letter from RPC 30 included in Appendix K; • Included revised Interregional dispute-resolution and frequency-coordination procedures in Appendix L; • Public Notices and minutes from the 11/30/06 and 1/18/07 meetings included in Appendix S; • Included an updated Tribal Nation Correspondence Log in Appendix V; and • Verbiage, formatting, and cross-reference revisions implemented throughout the document. 	1.4
4/10/2007	<p>Version 1.5 – excluding the following sections:</p> <ul style="list-style-type: none"> • Adjacent-region approvals and signatures; • FCC cover letter; and • FCC approval. <p>Version 1.5 Release Notes:</p> <ul style="list-style-type: none"> • Affixed the RPC 36 Regional Convener’s signature to the Interregional Frequency-Coordination and Dispute Resolution Procedures. 	1.5
4/18/2007	<p>Version 1.6 – excluding the following sections:</p> <ul style="list-style-type: none"> • Adjacent-region approvals and signatures from RPC 28 and 33; • FCC cover letter; and • FCC approval letter. <p>Version 1.6 Release Notes:</p> <ul style="list-style-type: none"> • The RPC 36 Regional Convener’s signature was affixed to the adjacent-region concurrence letter in Appendix K. 	1.6



Date of Revision	Revisions	Version
9/15/2008	<p>Version 2.0 – excluding the following sections:</p> <ul style="list-style-type: none"> • In-building and underground system design and spectrum management; and • FCC approval letter. <p>Version 2.0 Release Notes:</p> <ul style="list-style-type: none"> • Revised the Plan to reflect the Second Report and Order (FCC 07-132), reconfiguring the 700-MHz public safety communications band; • Revised the channel allotment tables to reflect the repacking of CAPRAD, as per the Second Report and Order, adopted on July 31, 2007, and this RPC's elections for channel block size, combiner separation, and capacity options; • Included the executed concurrence letter from RPC 33 in Appendix K; • Included the Regional Chairperson's execution of the Interregional Frequency-Coordination and Dispute-Resolution Procedures in Appendix M; • Included the adjacent-region notification of Plan revisions in Appendix V; • Included the adjacent-region concurrences with Plan revisions in Appendix W; • Included procedures to administer the Low-Power Interoperability Channels; • Revised the Low-Power Interoperability Channels Subscriber Service Assignment Table; • Revised Section 7.7, Channels Released, and Figures 8 and 9 to account for seven (7) to nine (9) channels released; • Implemented verbiage, formatting, and cross-reference revisions throughout the document; • Updated the Plan to include all public meeting notices, meeting minutes, and attendance rosters; • Updated the Plan to reflect the new committee administration; and • Uplifted the Plan into a revised document template. 	2.0



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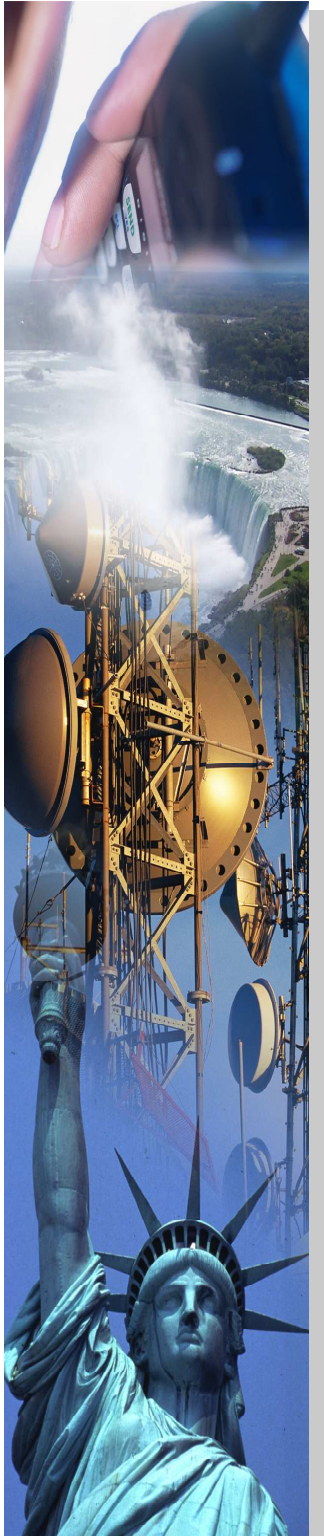


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Compliance Matrix

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Compliance Matrix

Regional Plan Element	Check	Rule Section	See Plan Section #
Cover letter referencing WT Docket No. 02-378, PSHS Docket No. 06-229, FCC Docket No. 07-132, and identifying the document as the 700-MHz Regional Plan for the Region.	✓	Public Notice DA-02-3497	Cover letter
Name, Title, address, phone number, agency affiliation, and email address of Chairperson.	✓	90.527(a)(1)	Section 2
Names, agency affiliations, voting status, mailing addresses, phone numbers, email addresses (if available) of other RPC officers.	✓	90.527(a)(1)	Appendix A
A statement that at least 60-days notice was given prior to the first meeting.	✓	1st R&O, FN220	Section 1.1
A summary of the major elements of the plan and an explanation of how all eligible entities within the Region were given an opportunity to participate and have their positions heard and considered fairly.	✓	90.527(a)(2)	Compliance Matrix, Section 1.2
Definition of the Region, its boundaries, and a list of the counties and cities within the boundaries.	✓	90.527(a)(2)	Section 4
Overview of public safety entities (state agencies, federal agencies, etc.) that have jurisdiction within or over any or all portions of the Region.	✓	90.527(a)(2)	Section 7.1
Description of the types of public safety, law enforcement, government, public service, or other entities (federal, county, regional, city, town, etc.) that are included in the Region.	✓	90.527(a)(2)	Section 7.1
The dates and publications in which the meetings were announced.	✓	90.527(a)(2)	Appendix T
The dates and websites on which the meetings were announced.	✓	90.527(a)(2)	Appendix T
A description of the process by which comments were solicited from all eligible parties.	✓	90.527(a)(2)	Section 1.2
Summary of all comments and submissions obtained through the process.	✓	90.527(a)(2)	Appendix T
A description of the process used to consider comments submitted from concerned parties.	✓	90.527(a)(2)	Section 1.2
The guidelines and procedures for operation of the RPC.	✓	90.527(a)(2)	Section 3

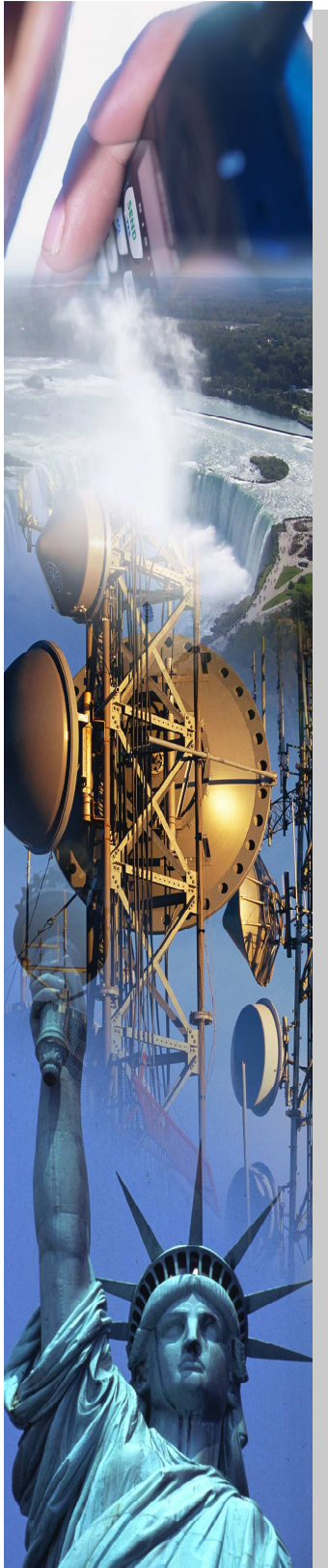
Regional Plan Element	Check	Rule Section	See Plan Section #
The procedures for frequency coordination.	✓	90.527(a)(2)	Section 12
Guidelines and procedures for protection of incumbent TV/DTV stations within the Region or near the Region's border during the DTV transition period.	✓	90.527(a)(2)	Section 11
A copy of the RPC's bylaws.	✓	90.527(a)(3)	Section 3
The technical procedures for requesting channels.	✓	90.527(a)(3)	Section 5
An overview of the application process.	✓	90.527(a)(3)	Section 5
An explanation of how the RPC decided between competing agencies when more requests for spectrum were received than could be filled. What criteria were used to evaluate competing applications to determine which request was granted?	✓	90.527(a)(3)	Section 7
An explanation of how the RPC decided how the spectrum would be allocated (e.g., by population) and how applications were solicited (e.g., on a first-come, first-served basis or only during certain filing windows). An explanation of channel-recovery methods that will be applied within the Region.	✓	90.527(a)(4)	Section 7
A description of how the applications are handled and reviewed, including an explanation of how the RPC applies the evaluation criteria listed in item 3.	✓	90.527(a)(4)	Sections 6-9
Spectrum utilization agreements with other Regions.	✓	90.527(a)(5)	Sections 12 and 13
If the State bears responsibility for administering the interoperability channels, the Regional Plan must indicate how the Region will interact with the SIEC or similar body. If the RPC is responsible for administering the interoperability channels, see the check points below the bold type.	✓	90.525(b)	Appendix S
Description of the pre-coordination allotment method used at the Region's borders ¹ .	✓	90.527(a)(5)	Sections 5, 12, and 13

¹ The channel allotments provided in this Plan reflect the repacking of CAPRAD as per the Second Report and Order, adopted on July 31, 2007, and this RPC's elections for channel block size, combiner separation, and capacity options.

Regional Plan Element	Check	Rule Section	See Plan Section #
Concurrence from the Chairs of the adjacent Regions OR evidence that the RPC used the NCC Implementation Subcommittee's pre-planning proposal to reserve some portion of the 700-MHz spectrum at the RPC borders for the adjacent Region(s).	✓	90.527(a)(5)	Appendices J, K, L, M, N, V, and W
If any of the adjacent Regions have not yet convened or selected a convener, the Plan must include a waiver of 90.527(a)(5).	✓	90.527(a)(5)	NA
An explanation of how the RPC encouraged spectrum reuse and promoted spectrally efficient technologies to make the most efficient use of the spectrum.	✓	90.527(a)(6)	Section 9
An explanation of how the RPC will maintain the pre-coordination database and provide opportunities for future modifications of the plan.	✓	90.527(a)(7)	Section 12
Interregional dispute resolution agreements signed by the Chair(s) of the Adjacent Region(s).	✓	90.527(a)(7)	Appendix M
A certification by the RPC Chair that all RPC meetings were open to the public.	✓	90.527(a)(8)	Appendix T
Signature of the RPC Chair.	✓	90.527(a)(8)	Cover Letter
The following items would constitute a Section that would be required only if the RPC had assumed responsibility for administering the 700-MHz Interoperability Channels.	NA	NA	NA
If the RPC bears responsibility for administering the interoperability channels, Section 9 of the Regional Plan must include: 1) a list of the interoperability channels; 2) a definition of when and where the two calling channels are to be used, including monitoring requirements; 3) a description of how the interoperability channels will be deployed and used in the Region, including procedures to extract interoperability channels being used in the trunked mode when necessary; channel nomenclature; minimum channel quantity; and channel-access parameters; and 4) priority access levels to be used on the interoperability channels.	NA	90.525(b)	NA
Description of existing interoperability contracts, compacts, mutual aid agreements, etc.	NA	90.525 (b)	NA



Regional Plan Element	Check	Rule Section	See Plan Section #
Description of the effect of the addition of 700-MHz channels and interoperability requirements on existing plans.	NA	90.525(b)	NA
Descriptions of the Region's interoperability plans and interoperability requirements.	NA	90.525(b)	NA



1. Authority of the Committee

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1. AUTHORITY OF THE COMMITTEE

On August 6, 1998, in the First Report and Order (R&O) and Third Notice of Proposed Rule Making in WT Docket No. 96-86, the Federal Communications Commission (FCC) adopted service rules for the 24 MHz of spectrum in the 764-776/794-806 MHz frequency bands (collectively, the 700-MHz band). The FCC reallocated this spectrum from analog television broadcast services to public safety services. Please refer to Figure 1. The National Coordinating Committee (NCC), now decommissioned, recommended the Regional Planning Committee (RPC) process to administer the designated spectrum. The FCC adopted the NCC's recommendation and established the RPC process in the R&O. RPCs consist of representatives of public safety agencies at the State and local levels within each region.

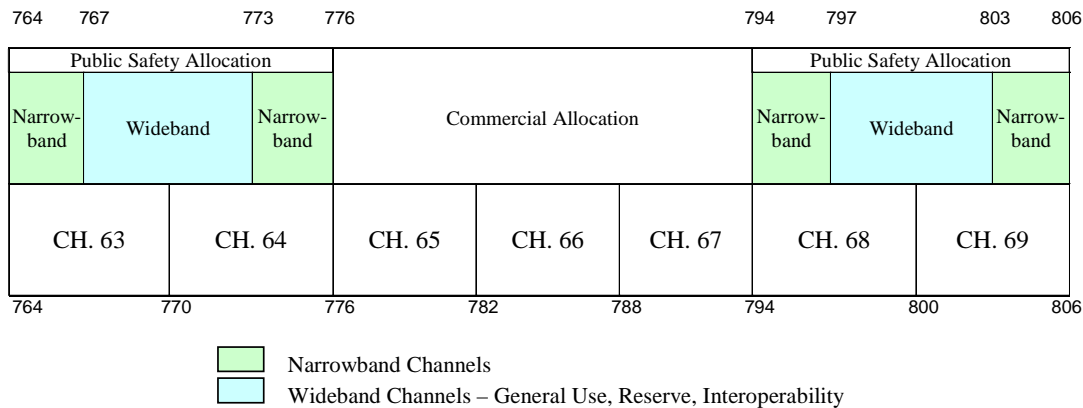


Figure 1, 700-MHz Public Safety Band PRIOR to Reconfiguration

On July 31, 2007, the FCC adopted the Second R & O, reallocating the 700-MHz public safety spectrum to the 763- to 775-MHz band and the 793- to 805-MHz band. From this allocation, the bottom portion of the Band (763-768/793-798 MHz) has been designated as broadband spectrum licensed under the Public Safety Broadband Licensee (PSBL). Therefore, the principal 700-MHz spectrum resources under the jurisdiction of the RPCs are the 769- to 775-MHz and 799- to 805-MHz narrowband channels, which are further divided into General Use, Interoperability (voice, low-speed data, and national call), Secondary Trunking, State License, Low Power, and Reserve spectrum allotments. Please refer to Figure 2, which follows.

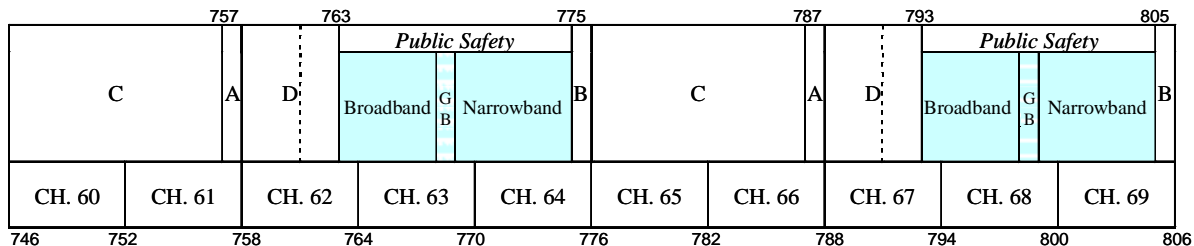


Figure 2, Reconfigured 700-MHz Public Safety Band



No allotments will be made in the General-Use category for the 769- to 775-MHz and 799- to 805-MHz bands until the plan has been approved by the FCC. The 700-MHz public safety spectrum will be made available for use after February 17, 2009² in accordance with the FCC's digital television transition schedule.

1.1 First Convening Meeting

The Region 55 700-MHz planning committee held its first convening meeting on Monday, May 20, 2002. A FCC Public Notice (PN) announcing this meeting was issued on March 20, 2002.

1.2 Notification and Committee Participation

All eligible parties³ were invited to participate in developing the Regional Plan. This notification was accomplished by the FCC issuing a Public Notice and by the "convener" directly notifying organizations representing eligible parties. Additionally, the mobile communications print media were contacted by the "convener" and made aware of the Committee's formulation. Also notified were state and local government agencies concerned with emergency management, as well as federal agencies responsible for national security and emergency preparedness.

In accordance with FCC's Code of Regulations (CFR) Title 47, Telecommunication, Chapter 1, Part 90, Private Land Mobile Radio Services, this Regional Plan includes the public meeting notices of each RPC meeting.

The RPC welcomed comments from all parties during the plan-development process. The plan's content was voted on for approval by the Committee in accordance with the Region 55 Bylaws.

² The date for television broadcasters to vacate the 700-MHz public-safety spectrum is February 17, 2009. Public safety entities may operate in the 700-MHz band prior to the transition date if they secure an FCC waiver.

³ CFR Title 47, Telecommunication, Chapter 1, Part 90 Private Land Mobile Radio Services:
<http://www.access.gpo.gov/>

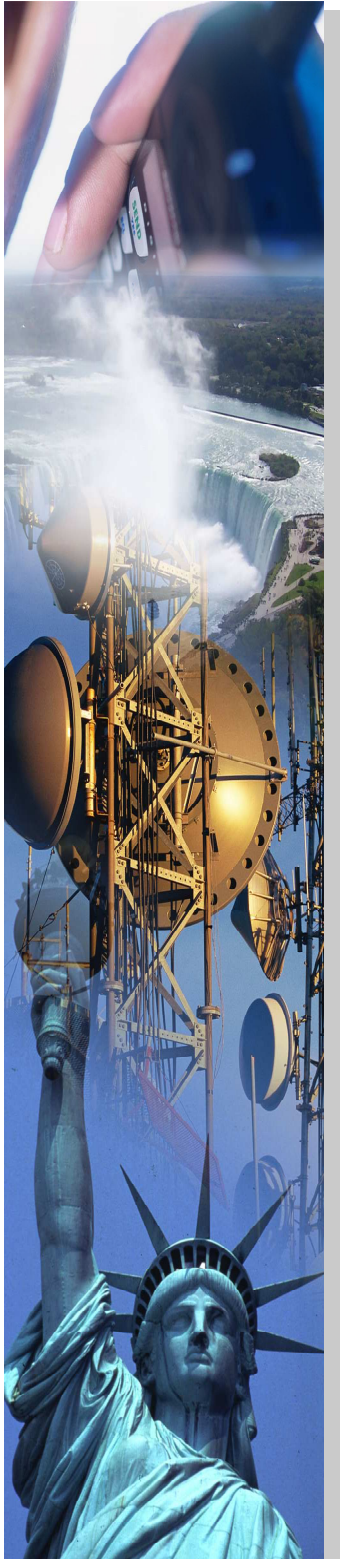
1.3 Acronyms Used in this Document

Table 1, Acronyms and their Definitions

Acronym	Definition
ACCPR	Adjacent-Channel Coupled Power Ratio
APCO	Association of Public-Safety Communications Officials
ARD	Area Reliability Degradation
CAPRAD	Computer-Assisted Pre-coordination Resource and Database
CD	Compact Disk
CFR	Code of Federal Regulations
CPC	Channel Performance Criterion
dB	Decibel
dBμ	A decibel relative to one (1) microvolt/meter
dBm	A decibel relative to one (1) milliwatt
DTV	Digital Television
DVD	Digital Video Disk
EMS	Emergency Medical Service
FCC	Federal Communications Commission
FDMA	Frequency Division Multiple Access
GIS	Geographic Information System
GPO	Government Printing Office
IAN	Incident Area Network
kHz	kilohertz
LFA	Local Frequency Advisor
LSA	List of Sections Affected
MHz	Megahertz
MO&O	Memorandum Opinion & Order
MOU	Memorandum of Understanding
MSL	Mean Sea Level
NCC	National Coordination Committee
NGO	Non-governmental Organization
NIJ	National Institute of Justice
NIMS	National Incident Management system
NPSTC	National Public Safety Telecommunications Council



Acronym	Definition
OFDM	Orthogonal Frequency Division Multiplexing
PN	Public Notice
PSA	Protected Service Area
PSBL	Public Safety Broadband Licensee
R&O	Report and Order
RF	Radio Frequency
RMS	Root Mean Square
ROM	Read-Only Memory
RPC	Regional Planning Committee
RPUC	Regional Plan Update Committee
SE	Special Emergency
SIEC	Statewide Interoperability Executive Committee
TBD	To Be Determined
TDMA	Time Division Multiple Access
TPO	Transmitter Power Output
TSB	Telecommunications Systems Bulletin
UHF	Ultra High Frequency
URL	Uniform Resource Locator
VHF	Very High Frequency
WTB	Wireless Telecommunications Bureau



2. Committee Administration

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2. REGION 55 - 700-MHz PLANNING COMMITTEE ADMINISTRATION

Membership in the Region 55 – 700-MHz Planning Committee shall be in accordance with the Region 55 Bylaws, Article 2. Please refer to Appendix A for a complete listing of committee members.

The officers of the Region 55 – 700-MHz Planning Committee are:

Steven S. Sharpe - FCC Region 55 Chairman

Director of Emergency Communications
Genesee County Office of the Sheriff
165 Park Road
Batavia, New York 14020-1283
Telephone: (585) 345-3000, extension 3400
Email: ssharpe@co.genesee.ny.us

Peter Stritzinger - FCC Region 55 Vice Chairman

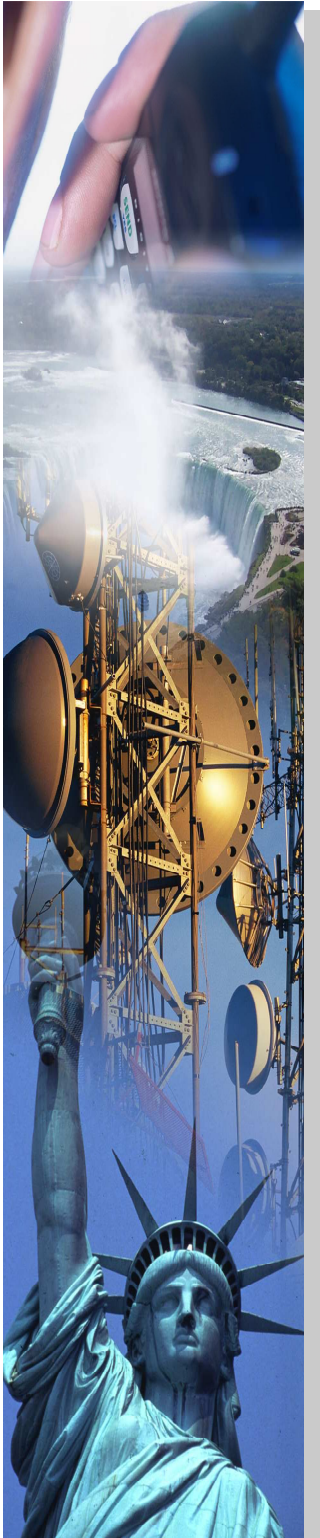
Radio System Manager, Emergency Management
Orleans County
14064 County House Road
Albion, New York 14411-9230
Telephone: (585) 589-4414
Fax: (585) 589-7671
Email: ocradio@orleansny.com

Matthew J. Trusso - FCC Region 55 Secretary & Treasurer

Chautauqua County Office of the Sheriff
10 Blanchard Street
P.O. Box 128
Mayville, New York 14757-0128
Telephone: (716) 753-4616
FAX: (716) 753-4285
Email: trusso@sheriff.us



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3. Bylaws

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3. REGION 55 BYLAWS

Article I: Name & Purpose

- 1.1 Name and purpose. The name of this organization shall be the FCC Region 55 (New York-Buffalo) 700-MHz Regional Planning Committee. Its primary purpose is to foster cooperation, planning, development of regional plans, and implementation of these plans in the 700-MHz Public Safety Band.

Article II: Members

For purposes of this Article, the term "member," unless otherwise specified, refers to both voting and non-voting members.

- 2.1 Number, Election, and Qualification. The RPC shall have two classes of members: "voting members" and "non-voting members." New members may be added at any official meeting.
 - a. Voting Members. Voting members shall consist of one representative from any single agency that is engaged in public safety and eligible to hold a license under the CFR Title 47, Telecommunication, Chapter 1, Part 90, (47 CFR 90.20, 90.523) and that has jurisdiction within the Region 55 geographic boundaries. However, any single agency shall be allowed no more than one vote for each distinct eligibility category (e.g., police, fire, EMS, highway) within the agency's organization or political jurisdiction. In voting on any issue, the individual must identify himself/herself and the agency and eligibility category that he or she represents. Voting members shall not vote on application scoring and approval matters that directly benefit themselves or the organization they represent.
 - b. Voting Status. Eligible voting members shall attain voting status after having attended two (2) consecutive meetings. The status of eligible voting members shall be evaluated at the initiation of each committee meeting base on their attendance over the previous twelve (12) months.
 - b. Non-Voting Members. Non-voting members are all others interested in furthering the goals of public safety communications.
- 2.2 Tenure. In general, each member shall hold membership from the date of acceptance until resignation, permanent incapacity, removal, or no longer representing an eligible agency.
- 2.3 Duties. In addition to such duties as are vested in them by the FCC or these bylaws, the members shall have such other duties as the membership may from time to time determine by majority vote at any annual, special, or regular meeting.
- 2.4 Suspension and Removal. A representative may be suspended or removed for cause by vote of a majority of voting members after reasonable notice and opportunity to be heard. Failure to attend at least 50% of meetings held in the previous twelve (12) months may be a specific cause for removal from the voting membership.
- 2.5 Resignation. A member may resign by delivering his or her written resignation to the Chairman, Vice-Chairman, or Secretary of the RPC or to a meeting of the members.



Article III: Meetings

An annual meeting of the membership shall be held at a time and place to be specified and published at least thirty (30) days prior to the day of the meeting. If a voting member is unable to attend the annual meeting, he or she shall so notify the Chairman in advance of the meeting.

- 3.1 Other Meetings. Meetings of the members may be held at any date and time, with at least thirty (30) days advance notice, and at any place within the RPC area. Meetings of the members may be called by 1) the Chairman, or 2) the Vice-Chairman, or 3) any other officer in case of absence or incapacity of the Chairman or Vice-Chairman, or 4) upon written application of two or more members.
- 3.2 Working Group Meetings. Working group meetings may be conducted in person or via electronic means for the purpose of developing consensus and making recommendations to an official meeting.
- 3.3 Meeting Notice. In addition to notification by public notice, each member shall be notified of the time and place of such meeting via his or her email address or U.S. Postal Service address on file with the Committee. A tentative meeting agenda shall be included in this correspondence.
- 3.4 Continuation of Meetings. Any meeting may be adjourned to such date or dates not more than ninety (90) days after the first session of the meeting by a majority of the votes cast upon the question, by with quorum present. The meeting may resume on the adjourned-to date with as much notice as may be reasonably practicable under the circumstances.
- 3.5 Quorum. A quorum is defined as a majority of the voting members present and any members represented by proxies. At any official meeting of the members, a majority of the voting members shall constitute a quorum.
- 3.6 Action by Vote. Each voting member, as the official representative for a particular agency/entity shall have one (1) vote; non-voting members have no right to vote. A majority of the votes properly cast by voting members present or by proxies shall decide any question, including election to any office, unless otherwise provided by law, rule, regulation, or these bylaws.
- 3.7 Action by Writing. Any action required or permitted to be taken at any meeting of the members may be taken without a meeting if all members entitled to vote on the matter have been given at least thirty (30) days notice and consent to the action in writing, and the written consents are filed with the records of the meetings of the members. Such consents shall be treated for all purposes as a vote at a meeting.
- 3.8 Proxies. In their absence, voting members may vote by written proxy dated not more than one month before the meeting named therein. Such proxies shall be filed before the meeting with the Secretary or other person responsible for recording the proceedings of the meeting. Unless otherwise specifically limited by their terms, such proxies shall entitle their holders to vote at any resumed session of the meeting if it is adjourned to a future date. The proxy shall terminate after the final adjournment of the meeting or upon attendance at the meeting by the voting member who issued the proxy.



Article IV: Officers

- 4.1 Number and qualification. The officers of the RPC shall be a chairman, vice-chairman, secretary, and treasurer. Only voting members of the RPC may serve as officers.
 - 4.2 Election. The officers shall be elected for a three-year term by the voting members beginning with the founding meeting and thereafter at an annual meeting of the voting members.
 - 4.3 Chairman. The Chairman shall be the chief executive officer of the RPC and, subject to the control of the voting members, shall have general charge and supervision of the affairs of the RPC. The Chairman shall preside at all meetings of the RPC and appoint such subcommittees as may be necessary, and shall not vote unless to resolve a tie vote, as cast by the body.
 - 4.4 Vice Chairman. The Vice Chairman shall have such duties and powers as the voting members shall determine. The Vice-Chairman shall have, and may exercise, all the powers and duties of the chairman during the absence of the chairman or in the event of the Chairman's inability to act.
 - 4.5 Secretary. The Secretary shall record and maintain records of all proceedings of the members in a file or series of files kept for that purpose. Such file or files shall be open at all reasonable times to the inspection of any member. Such file or files shall not only contain records of all meetings, but also the original, or attested copies, of bylaws and the names of each member and the address (including email address, if available) of each. If the Secretary is absent from any meeting of members, a temporary secretary chosen at the meeting shall exercise the duties of the Secretary at the meeting. The Secretary shall also be responsible to keep and maintain all documents, including but not limited to the Regional Plan and channel allotments.
 - 4.6 Treasurer. The Treasurer shall be the chief financial officer and the chief accounting officer of the RPC. The Treasurer shall be in charge of its financial affairs, funds, and valuable financial papers, and shall keep full and accurate records of such activities and products.
 - 4.7 Tenure. An officer shall hold office until his/her successor is chosen or he or she sooner resigns, becomes permanently incapacitated or disqualified, is removed from office, or no longer represents an eligible agency.
- Suspension or Removal. An officer may be suspended with cause by vote of a majority of the voting members.
 - Resignation. An officer may resign by delivering his or her written resignation to the Chairman, Vice-Chairman, Secretary, or Treasurer of the RPC. Such resignation shall be effective upon receipt (unless specified to be effective at some other time), and acceptance thereof shall not be necessary to make it effective unless it so states.
 - Vacancies. If the office of any officer becomes vacant, the voting members may elect a successor. Each such successor shall hold office for the remainder of the vacated term.

Article V: Subcommittees

- 5.1 Regional Plan Update Committee
With the approval of the Regional Planning Committee, the Chairman shall appoint a Regional Plan Update Committee (RPUC). Upon approval of the Region 55 700-MHz Plan by the FCC, this Committee will remain in place to recommend changes in the



Regional Plan, to evaluate applications for channel allotment(s), and to provide a mechanism for interregional concurrence and resolution for any problems that arise. The standing membership of the RPUC shall consist of the FCC-certified public-safety frequency coordinator(s) or their representatives (i.e., APCO Local Frequency Advisor) for the Regional Planning Area; two members each (six total) representing the three geographical areas of Region 55 — Rochester, Buffalo, and Elmira. In no case shall any radio service have voting membership greater than 49%.

Subject to majority approval, other individuals may serve on the RPUC in only a non-voting status. The RPUC Chairman may exclude the presence of such members at any RPUC executive session.

With the approval of the Chair, one member of the RPUC shall serve as the Region 55 Computer-Assisted Pre-Coordination Resource and Database (CAPRAD) Manager.

5.2 Technical Subcommittee

With the approval of the RPC, the Chairman shall appoint a Technical Subcommittee. This Committee will evaluate all 700-MHz applications that are submitted to the RPC. Upon receiving results from the Technical Subcommittee, the RPC Committee will approve, by consensus, the evaluation(s).

5.3 Interference Resolution Committee

With the approval of the RPC, the Chairman shall appoint an Interference Resolution Committee. This Committee will review interference-allegation reports and determine whether the alleged interfering system's operations comply with that station's license. If the system is deemed noncompliant with the license parameters, the Committee will decide what appropriate action(s) to take. If the system complies with the station license, the Committee will assist the impacted parties in devising an interference-resolution solution.

Article VI: Correspondence

- 6.1 The RPC's primary correspondence channel with Committee members and applicants shall be via electronic mail with read receipt. Committee members who do not have electronic mail will be corresponded with via U.S. certified mail with return receipt requested to confirm delivery.

Article VII: Amendments

- 7.1 These bylaws may be altered, amended, or repealed in whole or in part by an appropriate vote after thirty (30) days advance notice to the members. The voting members may, by a two-thirds votes of the quorum, alter, amend, or repeal any bylaws adopted by the RPC members or otherwise adopt, alter, amend, or repeal any provision on which FCC regulations or these bylaws require action by the voting members.

Article VIII: Dissolution

- 8.1 This RPC may be dissolved by the consent of two-thirds of the voting members at a special meeting called for such purpose. The FCC and adjacent regions shall be notified if dissolution is approved.

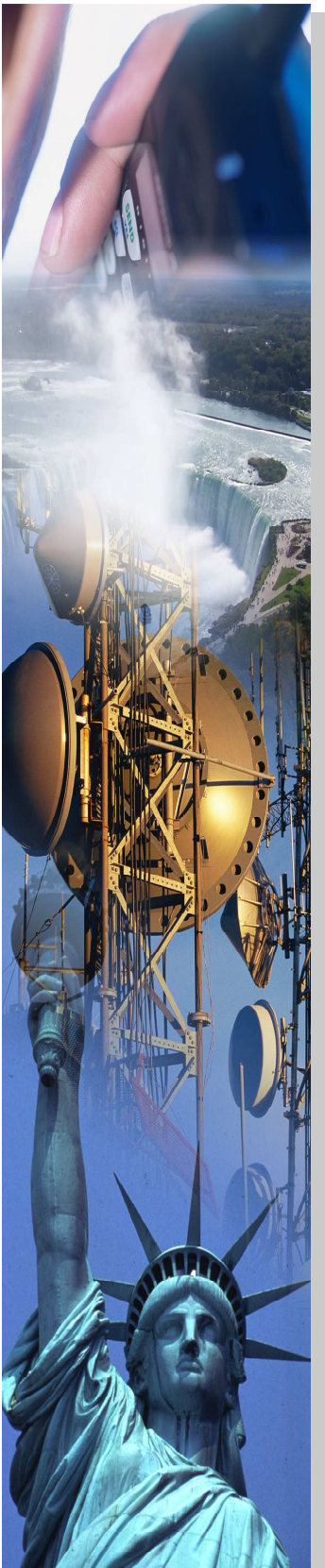


Article IX: Rules of Procedures

- 9.1 The Conduct of Regional Meetings — including, without limitation, debate and voting — shall be governed by the most recent edition of Robert's Rules of Order unless otherwise specified by the Bylaws.



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4. Region Description

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4. RPC 55, REGION DEFINED

A region is a geographic area that is designated a region for some noteworthy purpose. Within FCC Region 55, there are many jurisdictions, ranging from the state government to quasi-municipal organizations. Some jurisdictions may cross county lines, towns, villages, water districts, fire districts, etc. Figure 3 depicts the New York State counties — Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates — that comprise Region 55.

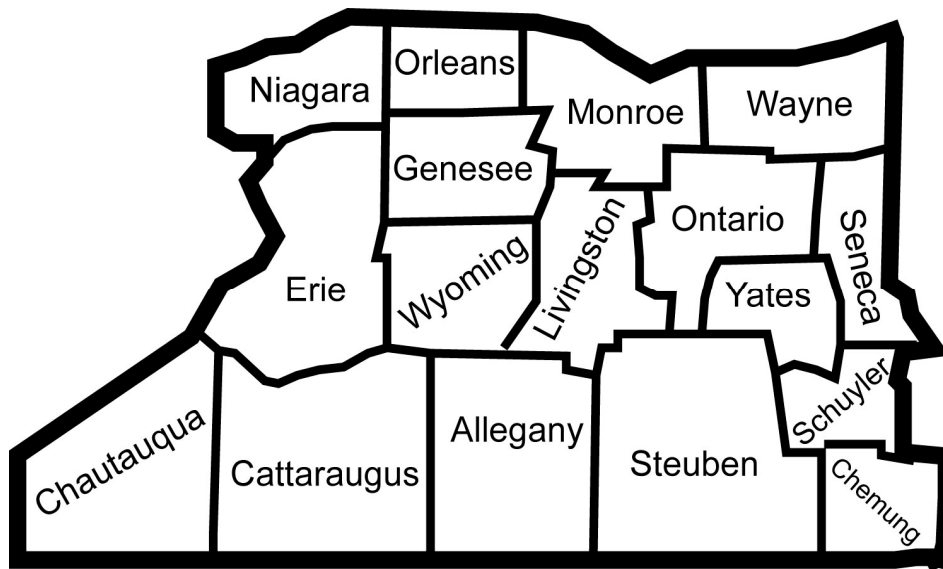


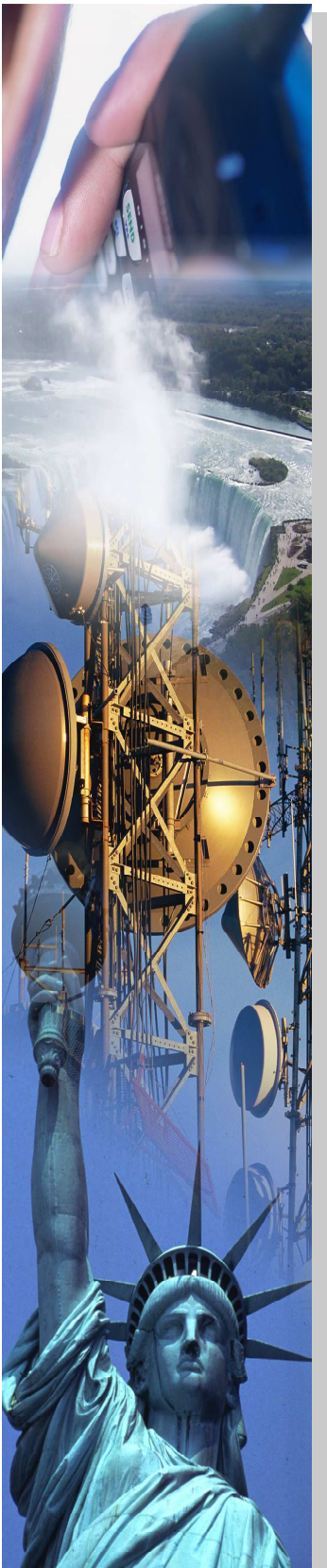
Figure 3, Mapping of Counties that Comprise Region 55

The total population of Region 55 is 2,852,351, which is about 15% of New York State's total population (18,976,457)⁴.

⁴ Data source: U.S. Census Bureau, 2000



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5. Spectrum Allotment Procedure

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5. PROCEDURE FOR REQUESTING SPECTRUM ALLOTMENTS

Within three (3) months of the date on which the Regional Plan has been accepted and approved by the FCC, the RPC will announce the opening of an initial filing window. The filing window shall represent a period of time during which the RPC will accept site-specific applications for 700-MHz public safety usage for filing and review.

For a period of five (5) years, the National Pool allotments developed and stored in CAPRAD⁵ will represent the base allotment plan for Region 55. Furthermore, in order to accommodate flexibility in the utilization of orphaned channels⁶, the Region 55 allotment plan will also consider the CAPRAD allotments valid for application within a thirty (30) mile boundary of their pool-assigned county as long as the following conditions are met:

1. Such application and use meets the interference criteria for out-of-pool allotments set in Section 9.5 of this plan, and
2. Such use has been approved by the Regional Chairperson after the RPC is permitted no less than thirty (30) days to comment on the terms of the application.

The term for frequency-pool allotments in Region 55 shall be five (5) years after the transition date to digital television⁷. If, after five (5) years, applicants who were granted channel allotments have not applied for station licenses, those allotments shall be returned to the allotment pool and become available again for application.

5.1 Window Procedure

The RPC will hold three (3) application-filing windows per year:

1. January 1 through January 31,
2. May 1 through May 31, and
3. September 1 through September 30.

After the first fifteen (15) application-filing windows are completed, subsequent windows shall be announced on an as-needed basis.

A PN announcing an allotment application-filing window shall be sent to all RPC members via email, as well as to the following media resources for further dissemination:

- FCC Daily Digest,
- National Public Safety Telecommunications Council (NPSTC) Web Forum,

⁵ The channel allotments provided in this Plan reflect the repacking of CAPRAD as per the Second Report and Order, adopted on July 31, 2007, and this RPC's elections for channel block size, combiner separation, and capacity options.

⁶ A channel remaining from a 25-kHz bandwidth when a 12.5 or 6.25 kHz portion of the full channel is allotted for operation. Channels allotted that are less than 25-kHz wide are taken from the top-edge or the bottom edge of the 25-kHz channel block.

⁷ Digital Television transition date: February 17, 2009.

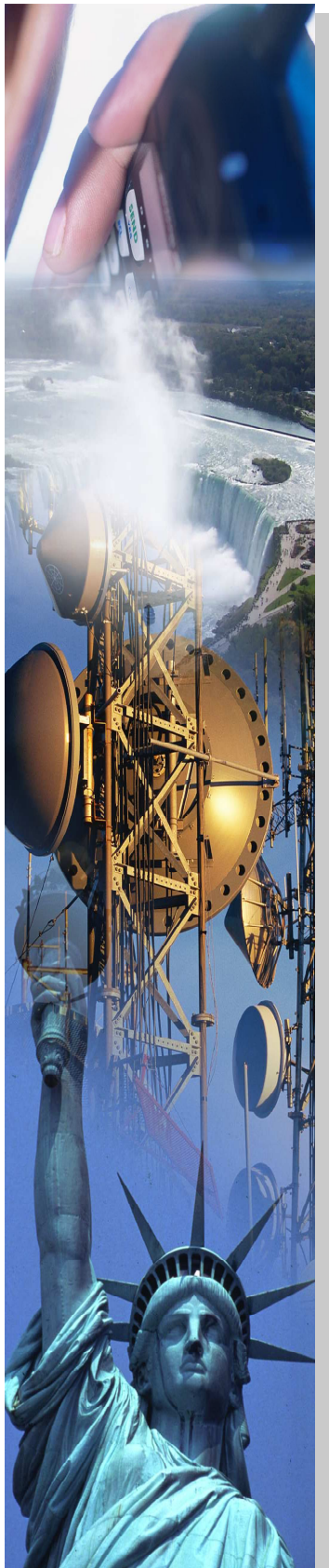


- CAPRAD, and the
- APCO Communicator.

The filing window shall commence not less than thirty (30) calendar days from the PN. Included in the filing-window notice shall be the start and end dates of the filing window, any rules or requirements for filing outlined in the Regional Plan, and any other special instructions. Also included shall be a list of Technical Subcommittee members who can provide additional information to prospective applicants.

5.2 Transition to an Open Timeline

The RPC reserves the right to transition to a process by which narrowband applications may be accepted either at any point or on a structured schedule. If the RPUC decides by majority vote to change to an ad-hoc, periodic, or other type of filing-window schedule, the effective date of such a schedule change may not commence until thirty (30) days have passed since these changes were announced through the process defined in Section 5.1 of this document.



6. Application Requirements

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6. APPLICATION REQUIREMENTS

Each application package must contain enough information that evaluators can determine the strength of the application relative to its completing peer applications, as well as its technical validity. The RPC supports the NCC pre-assignment rules and recommendations. Applicants should review these recommendations prior to preparing applications for submission.

6.1 Application Contents Summary

A complete application package must include the following items:

- Completed FCC 601 form(s);
- Completed supplemental application requirements. Please refer to Appendix E, Supplemental Application Requirements;
- Completed Region 55 Antenna Pattern Information Form (with azimuth and elevation patterns) for each antenna configuration employed. Please refer to Appendix F, Antenna Pattern Information Form;
- Completed Region 55 Service Area Boundary Form. Please refer to Appendix G, Service Area Boundary Form;
- Signed Memorandum of Understanding (MOU) agreeing to implement system as proposed. Please refer to Appendix N, Intraregional Memorandum of Understanding; and
- Coverage- and interference-prediction exhibits using Longley-Rice and adhering to the guidelines in the Telecommunications Systems Bulletin (TSB)-88 (latest edition). Please refer to Section 9 for further details.

The Regional Plan contains an application checklist for use by applicants. Please refer to Appendix D, Application Package Checklist.

6.2 Application Submission Format

All material provided as part of the application package must be submitted in eight (8) hard copies and eight (8) electronic copies⁸ to the RPC 55 Secretary.

6.3 Grounds for Dismissal

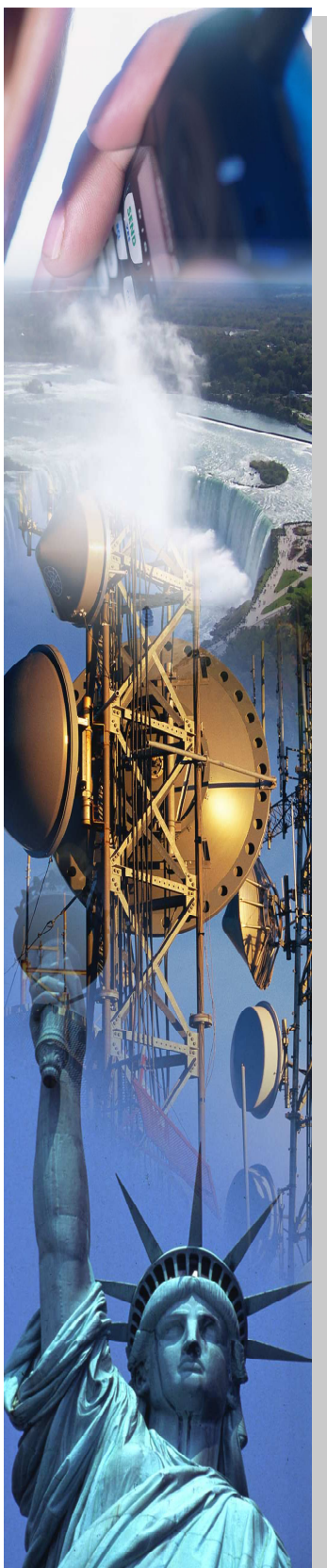
At the discretion of the application review committee, applicants may be afforded the opportunity to provide any essential missing application information so that their applications can continue to undergo the evaluation process. The RPC shall notify the applicant via written

⁸ Unless otherwise specified, the acceptable electronic media will be CD-ROM or DVD-ROM. Other media may be accepted upon written approval of the RPUC Chair.



or electronic mail if the application package does not meet the requirements stated in this Plan⁹. Applications may be dismissed and returned to the applicant if required information is not provided. The applicant will then have the option to complete and resubmit the application during the next filing-window period.

⁹ Please refer to the Region 8 Bylaws, Article VI, for details addressing correspondences between the Committee and the Applicant.



7. Application Scoring Matrix